

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

Clarence Miller,

Plaintiff,

V.

Equifax Information Services, LLC; and
Trans Union LLC,

Defendants.

[illegible]

Civil Action No.: _____

COMPLAINT JURY TRIAL DEMANDED

For this Complaint, Plaintiff, Clarence Miller, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendants’ violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (the “FCRA”).

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Clarence Miller (“Plaintiff”), is an adult individual residing in Bedford, New Hampshire, and is a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

4. Defendant, Equifax Information Services, LLC (“Equifax”), is a Georgia business entity with an address of 1550 Peachtree Street N.W., Atlanta, Georgia 30309, operating as a consumer reporting agency as the term is defined by 15 U.S.C. § 1681(a)(f) of the FCRA. Equifax is regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined by 15 U.S.C. § 1681(a)(d), to third parties.

5. Defendant Trans Union LLC (“Trans Union”), is an Illinois business entity with an address of 555 West Adams Street, Chicago, Illinois 60661, operating as a consumer reporting agency as the term is defined by 15 U.S.C. § 1681(a)(f) of the FCRA. Trans Union is regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined by 15 U.S.C. § 1681(a)(d), to third parties. Trans Union’s registered agent, Corporation Service Company, is located at 2 Sun Court, Suite 400, Peachtree Corners, GA 30092.

FACTUAL ALLEGATIONS

6. In 2021, Plaintiff noticed an inaccurate tradeline being reporting on his credit report.

7. Capital One Auto Finance reported Plaintiff’s account (the “Account”) as “Unpaid Balance Charged Off” instead of “Account Included in

Bankruptcy”.

8. This information is inaccurate as the Account was discharged in Plaintiff's bankruptcy in October 2021.

9. On or about October 1, 2021, Plaintiff received an Order of Discharge of Chapter 13 bankruptcy and any and all debt owed to Capital One Auto Finance was included and discharged.

10. Starting in October 2021 and several times since, Plaintiff has disputed the account with the credit bureaus.

11. In February 2022, Plaintiff's previous attorney that handled his bankruptcy also submitted a dispute to the credit reporting agencies on Plaintiff's behalf providing documentation that the Account was included in Plaintiff's bankruptcy.

12. Nevertheless, Defendants continue to report the Account on Plaintiff's credit report as charged off with a past due balance.

13. Upon Defendants notification that the Account was disputed and request that it be removed or updated properly, and in accordance with their standard procedures, Plaintiff believes and thereon alleges that Defendants did not evaluate or consider any of Plaintiff's information, claims or evidence, and did not make any attempt to substantially or reasonably verify the tradeline.

14. Plaintiff has been forced to deal with the aggravation, humiliation, and embarrassment of a low credit score.

15. Based on the inaccurate reporting of the Account, Plaintiff has been unable to secure the amount of credit and at a rate that he would have been able to receive if the Account was reported accurately.

COUNT I
VIOLATIONS OF THE FAIR CREDIT REPORTING ACT
15 U.S.C. § 1681, et seq.

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

17. In the entire course of their actions, Defendants willfully and/or negligently violated multiple provisions of the FCRA in one or more of the following respects:

- a. Defendants violated 15 U.S.C. § 1681e(b) by failing to implement and/or follow “reasonable procedures to assure maximum possible accuracy” of the information they publish in consumer credit reports;
- b. Defendants violated 15 U.S.C. § 1681i by failing to delete or correct inaccurate information in Plaintiff’s credit file after having received actual notice of such inaccuracies; by failing to

conduct lawful reinvestigation; by failing to forward all relevant information to the Creditor; by failing to maintain reasonable procedures with which to filter and verify disputed information in Plaintiff's credit file; and by relying upon verification from a source it has reason to know is unreliable.

18. Defendants' conduct, action and inaction was willful, rendering them liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the alternative, Defendants' conduct was negligent, entitling Plaintiff to recover damages under 15 U.S.C. § 1681o.

19. As a result of Defendants' conduct, action, and inaction, Plaintiff incurred actual damages in the form of loss of the ability to purchase and benefit from credit.

20. Plaintiff is entitled to recover costs and attorney's fees from Defendants in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or § 1681o.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants:

1. Statutory damages pursuant to 15 U.S.C. § 1681;

2. Attorney's fees and costs pursuant to 15 U.S.C. § 1681;
3. Actual damages pursuant to 15 U.S.C. § 1681;
4. Punitive damages pursuant to 15 U.S.C. § 1681; and
5. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: September 1, 2023

Respectfully submitted,

By: /s/ Sergei Lemberg, Esq.
Attorney Bar No.: 598666
Attorney for Plaintiff Clarence Miller
LEMBERG LAW, L.L.C.
43 Danbury Road, 3rd Floor
Wilton, CT 06897
Telephone: (203) 653-2250
Facsimile: (203) 653-3424
Email: slemberg@lemborglaw.com